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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CARLOTTA SHACKELTON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

-----X

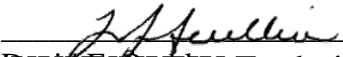
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: **CONSENT ORDER TO REMAND**  
: **PURSUANT TO SENTENCE 4 OF**  
: **42 U.S.C. § 405(g)**  
:  
: Hon. Frederick J. Scullin, Jr., D.J.  
: Hon. David E. Peebles, M.J.  
:  
: Civil Action No. 1:13-cv-00984  
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This matter having been opened to the Court by RICHARD S. HARTUNIAN, United States Attorney for the Northern District of New York, and Jason P. Peck, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that an Administrative Law Judge may evaluate the evidence submitted to the Appeals Council, update the record, and reconsider the severity of the impairments at step two of the sequential evaluation. Both parties may submit new evidence on remand.

Therefore, the Plaintiff, through the undersigned attorney, Peter M. Margolius, Esq., having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 21st day of March, 2014;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g), for the further administrative action set forth above, and it is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).

  
~~XXXXXXXXXX~~ Frederick J. Scullin, Jr.  
Senior United States Magistrate Judge ~~XXXXXXXXXX~~ District Judge

The undersigned hereby consent to the form and entry of the within order.

RICHARD S. HARTUNIAN  
United States Attorney

By: /s/ Jason Peck  
JASON P. PECK  
Special Assistant U.S. Attorney  
Bar No. 516605

CONBOY, McKAY, BACHMAN & KENDALL, LLP

By: /s/ Peter M. Margolius  
PETER M. MARGOLIUS, ESQ.  
Attorney for Plaintiff